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OFFICE OF PETITIONS

In re Application of :
Ono et al. : DECISION ON PETITION
Application No. 10/798,851 :
Filed: March 12, 2004 :
Attorney Docket No. 19546.0044 :

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION" filed October 1, 2004, requesting that the above-identified application be accorded a filing date of March 12, 2004, with Figures 7-18 considered part of the original application disclosure.

Application papers in the above-identified application were filed on March 12, 2004. However, on September 23, 2004, the Office mailed a "Notice of Omitted Items in a Nonprovisional Application," notifying applicants that the application papers had been accorded a filing date; however, Figures 7-18 described in the specification appeared to have been omitted from the application.

Petitioner responded with the instant petition (and petition fee). Petitioner submits that Figures 7-18 were filed along with the nonprovisional application papers on March 12, 2004. In support thereof, petitioner submits a copy of their date-stamped postcard receipt, a copy of the transmittal sheet, and a copy of Figures 7-18.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of the postcard receipt reveals that: 1) it bears an OIPE date-stamp acknowledging receipt on March 12, 2004, 2) it identifies the items being filed, including "Drawings 15 sheet(s)," and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 15 sheets of drawings, were filed on March 12, 2004.

Accordingly, the petition is GRANTED.

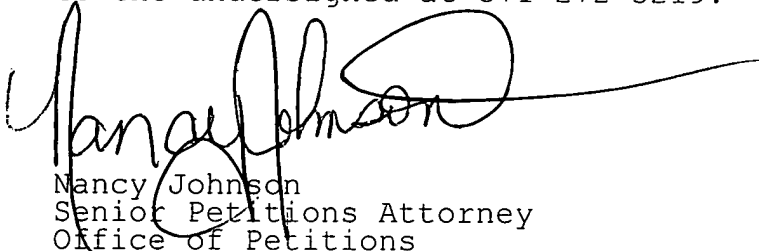
Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 19-5127, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of March 12, 2004, using the application papers received in the Office and presently accorded that date, including Figures 1-6; and the 9 sheets of drawings containing Figures 9-15 re-supplied on petition filed October 1, 2004.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions